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Counsel for GONZALO LOPEZ-HERNANDEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

GONZALO LOPEZ-HERNANDEZ,
Defendant

No. CR-06-0645 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER FOR RELEASE FROM
CUSTODY**

Hearing: February 26, 2007

Judge: William H. Alsup

On September 26, 2006, Mr. Gonzalo Lopez-Hernandez was indicted on one count of 8 U.S.C. § 1326, illegal re-entry following deportation. On October 4, 2006, Magistrate Judge Elizabeth D. Laporte ordered Mr. Lopez-Hernandez detained in light of Mr. Lopez-Hernandez' waiver of a bail hearing. He has remained in U.S. Marshal's custody since October 2, 2006. On September 12, 2006, Immigrations and Customs Enforcement placed a detainer on Mr. Lopez-Hernandez for immigration related purposes.

On February 23, 2007, this Court granted defendant's motion to dismiss the indictment against him in its entirety. *See* Docket for Case No 06-0645 WHA, Entry No. 40. On that day, this Court closed the aforementioned case.

Accordingly, the parties hereby stipulate and request this Court order Mr. Lopez-Hernandez' release from U.S. Marshal's custody forthwith.

IT IS SO STIPULATED

Dated: February 26, 2007

/S/ _____
JULIE ARBUCKLE
Assistant United States Attorney

Dated: February 26, 2007

/S/ _____
ELIZABETH M. FALK
Assistant Federal Public Defender

I hereby affirm and attest that the holographic "S" on this document indicates that the Office of the Federal Public Defender has received a confirmation signature from Ms. Arbuckle by facsimile.

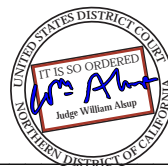
~~IT IS SO ORDERED~~ **ORDER**

The one-count indictment against Mr. Gonzalo Lopez-Hernandez, issued September 26, 2007, alleging a violation of 8 U.S.C. § 1326, was dismissed on February 23, 2007 by this Court.

For the aforementioned reason, it is hereby **ORDERED** that Mr. Gonzalo-Lopez Hernandez be released forthwith from U.S. Marshal's custody at the North County Jail, Glenn Dyer Facility today, February 26, 2007. This order has no effect on the September 12, 2006 detainer placed on Mr. Lopez-Hernandez by Immigrations and Customs Enforcement.

IT IS SO ORDERED

DATED: February 27, 2007



THE HONORABLE WILLIAM H. ALSUP
UNITED STATES DISTRICT JUDGE

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ORDER FOR RELEASE
No. CR 3-06-0645 WHA